

Reports of Committee on Engrossed Bills

Austin, Texas,
February 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 3 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
February 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bills Nos. 102, 128, 129, 160, and 180 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

TWENTY-FIFTH DAY

(Continued)

(February 22, 1939)

The Senate met at 10:00 o'clock a. m. and was called to order by the President.

Senate Bill 135 on Engrossment (Pending Business)

The Senate resumed consideration of pending business, same being S. B. No. 135, regulating assessment life, health and accident insurance companies and associations, on its passage to engrossment, with amendment by Senator Moore pending.

Question—Shall the amendment be adopted?

Senator Metcalfe offered the following amendment to the amendment:

Amend S. B. No. 135, page 5, line 22, by striking out the period after the word "age" in said line and insert in lieu thereof the following: ", based on rates in force at the time of the death of the insured."

The amendment to the amendment was adopted.

Senator Metcalfe offered the following amendment to the amendment:

Amend S. B. No. 135, page 9 by striking out the last paragraph of section 15.

The amendment to the amendment was adopted.

Senator Metcalfe offered the following amendment to the amendment:

Amend S. B. No. 135, page 10, Section 19, by inserting after the word "Board" in line seven of said section, the following: "shall notify the association of its determination and said association shall have fifteen days within which to comply with the requirements of the Board, and in the event of its failure to so comply within such time, the Board"

The amendment to the amendment was adopted.

Senator Stone of Galveston offered the following amendment to the amendment:

Amend the substitute for S. B. No. 135 by adding the following at the end of the first paragraph of Sec. 14:

"If the Association does not notify the claimant within sixty (60) days after due proofs are received that the claim will not be paid and does not pay said claim in full within said sixty (60) days, as provided in Sec. 13, such association shall be liable to pay the holder of such claim, in addition to the full amount of the claim, 12 per cent damages on the amount of such claim, together with reasonable attorney's fees for the prosecution and collection of such claim. Such attorney's fees shall be taxed as a part of the costs in the case. The court, in fixing such fees, shall take into consideration all benefits to the insured incident to the prosecution of the suit accrued and to accrue on account of such claim."

The amendment to the amendment was adopted.

Senator Brownlee offered the following amendment to the amendment:

Amend substitute to S. B. No. 135 by adding thereto immediately after Section No. 25 a section to be numbered Section 25(a) to read as follows:

"Sec. 25(a). Provided that nothing in this act shall ever be construed to include or affect in any manner mutual fire insurance companies."

The amendment to the amendment was adopted.

Senator Burns offered the following amendment to the amendment:

Amend S. B. No. 135 by adding to Section 1, line seven by adding after the words "accident companies or associations," the words "except burial insurance associations, and companies or associations."

BURNS,
BROWNLEE,
HARDIN,
PACE,
STONE of Washington.

Senator Moore moved the previous question on the amendment to the amendment, and the main question was ordered.

Question recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment to the amendment was rejected by the following vote:

Yeas—10

Brownlee	Pace
Burns	Small
Cotten	Stone
Hardin	of Washington
Hill	Van Zandt
Nelson	

Nays—18

Aikin	Moore
Beck	Redditt
Collie	Roberts
Graves	Shivers
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Head	Spears
Lemens	

Senator Burns offered the following amendment to the amendment:

Amend the amendment, page 12, by striking out all of Section 24 and insert the following:

"Sec. 24. Burial associations shall pay in cash or in merchandise and services, provided, however the beneficiary under the policy shall determine whether the burial association shall pay in cash or in merchandise and services."

The amendment to the amendment was adopted.

Senator Sulak offered the following amendment to the amendment:

Amend substitute for S. B. No. 135 by adding in line 2, on page 5, between the words "minor" and "in" the following: "husband or wife" and in line 3 on same page between the words "guardian" and "and" the words "husband or wife."

Senator Moore moved the previous question on the pending amendments and the passage of the bill to engrossment, and the main question was ordered.

Question first recurring on the amendment to the amendment, it was adopted.

Question next recurring on the amendment as amended, it was adopted.

On motion of Senator Moore, and by unanimous consent, the caption was amended to conform to changes in the bill.

The bill then was passed to engrossment.

Senate Bill 135 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 135 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid S. B. No. 135 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Moore
Beck	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Nays—3

Brownlee	Small
Hill	

Absent—Excused

Lemens	Spears
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Resolution Signed

The President signed in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 45, Inviting Governor A. B. Chandler of the Commonwealth of Kentucky to address a Joint Session of the Legislature on Tuesday, February 28, 1939.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives, Austin, Texas, February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

S. B. No. 159, A bill to be entitled "An Act validating and legalizing the authorization of bonds issued by any water improvement district in this State for the improvement, repair or rehabilitation of its irrigation system, or parts thereof; vali-

dating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns, and declaring the results of such election, and declaring an emergency."

(With amendments.)

S. C. R. No. 8, Instructing the State Highway Department, the State Board of Control, and any other State agency which purchases supplies, to use their most diligent efforts to specify that materials, supplies, or fabrics containing cotton, shall be preferred in supplying the needs of the State of Texas.

S. C. R. No. 7, Endorsing the efforts of the New York World's Fair and the San Francisco Golden Gate Exposition Commission in arranging creditable representation for the State of Texas.

S. C. R. No. 10, Setting aside a place in the Rotunda of the Capitol by the Board of Control for the purpose of exhibiting a map displaying the Big Bend Area of the State of Texas, which was prepared by the National Park Service of the United States.

Respectfully submitted,

E. R. LINDLEY, Chief Clerk,
House of Representatives.

Minority Report on Senate Bill
16 Adopted

Senator Van Zandt called up for consideration at this time the motion to adopt the minority report on S. B. No. 16 in lieu of the majority report on the bill; which motion was made on February 13, 1939, and duly spread upon the Journal of that day.

Question recurring on the motion to adopt the minority in lieu of the majority report, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—16

Brownlee	Pace
Burns	Small
Collie	Stone
Head	of Galveston
Hill	Stone
Kelley	of Washington
Martin	Sulak
Moffett	Van Zandt
Moore	Weinert

Nays—12

Aikin	Lanning
Beck	Metcalf
Cotten	Nelson
Graves	Redditt
Hardin	Roberts
Isbell	Shivers

Absent

Winfield

Absent—Excused

Lemens Spears

Reports of Standing Committees

By unanimous consent, the following reports on the bills and resolutions named therein were submitted by the chairman of the several committees to which they were referred:

Austin, Texas,
February 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 167, A bill to be entitled "An Act creating a School Land Board; defining its powers and prescribing its duties; providing regulations for the sale and lease of all lands set apart for the Permanent Free School Fund and several asylum funds, the mineral estate in river beds and channels, and the mineral estate in all areas within tidewater limits including islands, lakes, bays, and the bed of the sea; dedicating the mineral estate in river beds and channels and in all areas within tidewater limits including islands, lakes, bays, and the bed of the sea, to the Permanent Free School Fund; abolishing the Board of Mineral Development; making an appropriation; providing that if any provision of this Act shall be held invalid or unconstitutional, the remaining provisions shall not be affected; providing that filings, applications, or litigation pending on effective date of this Act shall not be affected; suspending all parts of laws in conflict; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report back to the Senate with recommendation that it do pass as amended and be printed.

COLLIE, Chairman.

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 198, A bill to be entitled "An Act repealing Chapter 8 of the Laws of the Forty-fourth Legislature, Regular Session, being Senate Bill No. 457, Page 1172 of the General and Special Laws of the Forty-fourth Legislature, Regular Session and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
February 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 204, A bill to be entitled "An Act making it unlawful for any person to engage in fishing from any causeway, bridge or structure located on any highway being maintained by the State Highway Department; making the violation of this Act a misdemeanor and providing a penalty for violation; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 209, A bill to be entitled "An Act amending Chapter 49 of the General and Special Laws of the Third Called Session of the Forty-third Legislature, being House Bill No. 65, Page 100 of the General and Special Laws of the Third Called Session of the Forty-third Legislature, making it unlawful to kill wild fox, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 213, A bill to be entitled "An Act providing that it shall be unlawful to take or kill a brown pelican; providing a suitable penalty and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 215, A bill to be entitled "An Act assenting to the provisions of the Act of Congress entitled 'An Act to provide that the United States shall aid the States in wildlife-restoration projects and for other purposes,' approved September 2, 1937, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
February 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 203, A bill to be entitled "An Act to authorize the State Highway Department, in conjunction with the Bureau of Public Roads, to expend, from and after the effective

date of this Act, upon roads not a part of the system of State Highways, funds appropriated by the Congress of the United States and allocated by the Secretary of Agriculture of the United States to the State Highway Department for expenditure on such roads; to permit such funds to be matched or supplemented from the State Highway Fund; expressly repealing all laws or parts of laws in conflict herewith to the extent of such conflict, but said laws are not otherwise repealed; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Austin, Texas,
February 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 172, A bill to be entitled "An Act providing a more expeditious method of assessing and collecting taxes due cities, towns and independent school districts; the preparation of lists, abstracts, and other data necessary to effect such collections; authorizing the governing bodies of cities, towns and independent school districts to employ attorneys to collect such taxes for a per cent of the taxes, penalty and interest collected; making available to all cities, towns and independent school districts, when invoked, all the provisions of Titles 28 and 122, Revised Civil Statutes of Texas of 1925, pertaining to the assessment and collection of taxes for other taxing units providing that the provisions of this Act shall be cumulative of, and in addition to, all rights and remedies to which any of the taxing units affected hereby are now entitled, repealing all laws in conflict herewith, providing a rule of construction and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 152, A bill to be entitled "An Act to add a new clause to Sec. 19 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended by Acts of 1937 defining agricultural labor, repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 6, A bill to be entitled "An Act declaring the floods of Harris County, Texas, to be a public calamity; authorizing a donation and grant to Harris County Flood Control District of one-half of the State ad valorem taxes collected in Harris County for flood control improvement and maintenance purposes, specifying the reports thereon to be made by the assessor and collector of taxes; authorizing the issuance of bonds secured by a pledge of the funds donated and granted by the State and prescribing the manner of issuance thereof; providing the procedure hereunder for all matters relating to said donation; providing that if any provision of this Act shall be held invalid, the other provisions shall not be affected, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 164, A bill to be entitled "An Act creating the Texas Coronado Quarto Centennial Commission, prescribing the duties and responsibilities of such commission, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 150, A bill to be entitled "An Act amending Chapter 206 of the Acts of the Regular Session of the Forty-second Legislature, same being House Bill No. 768; creating and providing a uniform budget system for the State, and all counties, cities, towns, villages, independent school districts and common school districts; designating the Governor as chief budget officer of State; providing for the appointment of a Director of the Budget, fixing his compensation, qualifications, powers, etc.; providing that the appropriations for the office of the State Auditor shall not be included in the budget submitted by the Governor, etc.; providing that all budget hearings shall be public, etc.; providing that budget bills shall not affect appropriations for the per diem and mileage of members of the Legislature nor expenses of the Legislature, etc.; providing that County Judge shall be budget officer for Commissioners' Court in each county and requiring preparation of such budget, etc.; and designating budget officers of incorporated cities, towns and villages, and requiring preparation of budget for such municipalities, etc.; restricting expenditures of funds by such municipality and providing for emergency expenditures, etc.; providing for the filing of such school budgets and restricting the expenditures of public funds of such school districts, etc.; and prescribing penalties for violation of this Act, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
February 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 6, Authorizing Mrs. R. R. Jones to sue the State,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
February 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 216, A bill to be entitled "An Act to amend Section 17, H. B. No. 68, Chapter 3, Acts of the Regular Session of the Forty-fourth Legislature, as amended by S. B. No. 332, Chapter 123, Acts of the Regular Session of the Forty-fifth Legislature, so as to extend the time of existence of the Special District Court of Smith County, Texas, and declaring an emergency,"

Have had the same under consideration and wish to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 252, A bill to be entitled "An Act to authorize Boards of Trustees of all county line independent school districts partly situated in three (3) or more counties, the supervision of said school being located in counties having a population of not less than seventeen thousand (17,000)

nor more than seventeen thousand, five hundred (17,500) as shown by the last preceding Federal Census, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 148,

Have had same under consideration and beg leave to report back to the Senate that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 147,

Have had same under consideration and beg leave to report back to the Senate that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. 141,

Have had same under consideration and beg leave to report back to the Senate that it do pass as amended and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 140,

Have had same under consideration and beg leave to report back to the

Senate that it do pass as amended and be printed, and that caption be amended to conform.

VAN ZANDT, Chairman.

Austin, Texas,
February 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 193, A bill to be entitled "An Act to authorize the State Highway Commission, acting through its chairman, pursuant to order of the Commission, to convey lands or interests therein, owned by the State of Texas, acquired for use as county, one or more of the boundaries of which is coincident with any part of the international boundary between United States and Mexico, or in any county contiguous to any county of such described class, which is used or proposed to be used as a part of the site for flood control works, to the United States of America, or to any county of such described class, without monetary consideration, to enable the United States to carry out the provisions of Acts of Congress; and authorizing the State Highway Commission to join in and assent to easements executed by owners of the fee title to lands on which the State owns only an easement; validating any such conveyance heretofore made; providing that if any section, word, phrase, or clause in this Act be declared unconstitutional for any reason, the remainder of this Act shall not be affected thereby; and declaring an emergency,"

Have had the same under consideration, and wish to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,
February 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 154, A bill to be entitled "An Act to amend the Acts of 1925, Thirty-ninth Legislature, page 86, Chapter 25, Section 77, as added to by Acts of 1929, Forty-first Legislature,

page 578, Chapter 280, Section 9, Article 7880-77a, by re-enacting section (b) under said section 77a of Article 7880 of the Revised Civil Statutes of 1925, so that limitation shall not run or be pleaded against any taxes or assessments provided for in Section 106, 107, 108 and 109 of Chapter 25, the specific purpose of this Act being to re-enact said section (b) which has been held invalid by the United States District Court, in Re: American Rio Grande Land and Irrigation Company, D. C., 21 Federal Reporter Supp. 492, because the provision therefor was not set forth in the caption of the bill wherein said section (b) was enacted, and declaring an emergency,"

Have had the same under consideration and wish to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Austin, Texas,
February 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 349, A bill to be entitled "An Act creating and establishing Callahan County Road District Number 2 in Callahan County, Texas, under Article III, Section 52 of the Constitution of Texas, for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpike, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds vote of the property tax-paying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the Commissioners Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the District hereby created is also included in another Road District having outstanding bonds shall not affect

the District hereby created or its powers hereby granted; determining that all of the lands in said District will be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other General or Special Laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; and declaring an emergency,"

Have had the same under consideration and I am instructed to report back to the Senate with recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Report Relating to Departmental Appropriations

On motion of Senator Redditt, the following report was ordered printed in the Journal:

Austin, Texas,
February 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

To the Finance Committee of the Senate of Texas:

We, your Committee appointed under and by virtue of S. R. No. 14, First Called Session of the Forty-fifth Legislature, in compliance with said Resolution wish to report to the Finance Committee of the work of said Committee.

The Committee was duly organized and since its organization has made a study of the various State Departments of Government, particularly those provided for in the Departmental Appropriation Bill. Various conferences have been held by members of the Committee with department heads and division heads of departments with the view of formulating plans for the general appropriation for departments for the biennium commencing September 1, 1939. With a few exceptions the Committee and its members have found most department heads willing and anxious to cooperate with the view of economizing and with the view of abolishing and eliminating unnecessary offices and positions, and whenever possible combining positions without impairing efficiency. The Committee, in its work, has attempted to keep in all minds the efficiency of our departments and agencies of government in its effort

to prepare an economical appropriation bill which will adequately provide for the maintenance and operation of said departments.

As a general policy we have not recommended decrease in salaries. It is now and has been our opinion that the serious objections to the departmental appropriation bill are:

First: The same has not been properly itemized, especially as to appropriations from special funds.

Second: The great number of duplications of services by employees of various departments.

Third: Various departments and agencies of government performing same or similar services should be coordinated under one department.

We have carefully checked the various expenses of these departments and will recommend to the Committee at the proper time specific appropriations in itemized form for each department provided for in the Departmental Bill. From our study and investigations, we wish to make the following general recommendations:

(1) That the grand total of the departmental appropriation bill for the biennium commencing September 1, 1939, be reduced not less than twenty per cent (20%) of the grand total of the current appropriation bill. It is not the view of the Committee that the total of each department be cut not less than twenty per cent (20%) because we realize that some can be cut more than this amount; some approximately this amount; and some less than this amount. It is interesting to note that many departments have voluntarily come before our Committee and voluntarily offered to reduce their appropriation approximately twenty per cent (20%) under the current appropriation.

(2) It is the recommendation of the Committee that the departmental appropriation bill should be completely itemized not only for appropriations out of general funds but from special funds as well unless some extraordinary reason should exist in isolated cases why this should not be done. Heretofore the Legislature has partially attempted itemization of appropriations from general funds only. Special fund appropriations have been made available in large amounts without itemization or legislative control. We do not think this is a good policy for the

State. It is further recommended that various appropriations heretofore made from the General Fund for office expenses should be completely itemized as well as for traveling expenses in and out of the State.

(3) It is our opinion that the appropriations heretofore made both from the General Fund and special funds for traveling expenses have been excessive. It is interesting to note that the totals have increased from year to year to an alarming extent. We believe that the sum total for traveling expenses can and should be materially reduced up to thirty-three and one-third per cent (33 1/3%) without seriously affecting the efficiency of any department of government.

(4) It is our opinion that as a general rule, most departments have too many employees. This is not a fault particularly of the departments, but of the Legislature. In many instances employees are authorized by the Legislature when emergencies exist, after which they are retained on the payrolls because they were authorized by law and most department heads do not wish to assume the responsibility of abolishing positions when authorized by the Legislature. Many of our State departments have efficient, energetic and loyal employees, and our recommendation here is not in any manner a reflection upon them. Too many employees in any department has a tendency toward impairing the efficiency of that department.

(5) It is our recommendation that a number of departments can be abolished; a number of divisions of departments can be consolidated without impairing the functions of said departments. Our Committee early recommended that the Tax Board be abolished. This has been accomplished since the convening of the Legislature.

As the Committee hearings are being held specific recommendations will be made to the Senate Finance Committee as to specific views on consolidations and abolition of departments.

We have found that there are many duplications in our departments which have been caused by various Acts of the Legislature placing duties and responsibilities upon new departments created by the Legislature when the same duties could have been per-

formed by existing departments and institutions of the Government.

(6) It is our recommendation that some form of budgetary control should be had over the departmental appropriation bill, and in this connection we recommend the passage by the Legislature of the bill authorizing the appointment of the State Auditor by the Legislature, and we specifically recommend that this bill authorize and empower the Auditor to see that the intent of the Legislature in the appropriation bill is carried out.

Conclusion

We wish to take this opportunity of expressing our thanks and appreciation to the various heads of State departments of government and their employees for their cooperation in our work and say again that with only two exceptions, the department heads have not only cooperated with us in an effort to reduce the totals of the appropriation bill, but many have voluntarily suggested ways and means of recommending how their own respective departments could be operated during the next biennium at reduced totals. It is our hope that the Senate of Texas will have a completely itemized appropriation bill for its consideration early in the Session in order that sufficient time for study can be given the bill before final passage.

Respectfully,

REDDITT,
Chairman,
LEMENS,
AIKIN,
BECK,
ROBERTS.

Senate Concurrent Resolution 11

Senator Stone of Washington, by unanimous consent, offered at this time the following resolution:

Whereas, The Legislature of the State of Texas has accepted an invitation to attend patriotic exercises to be conducted by the American Legion and others at Old Washington-on-the-Brazos on Texas Independence Day, March 2, 1939, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That each House grant the other permission to adjourn from Wednesday, March 1, 1939, to Monday, March 6, 1939.

Signed—Stone of Washington, Win-

field, Brownlee, Shivers, Cotten, Roberts, Redditt, Van Zandt, Collie, Graves, Weinert, Beck and Isbell.

The resolution was read; and on motion of Senator Stone of Washington, and by unanimous consent, it was considered at this time and was adopted.

Senate Bill 21 Set as Special Order

On motion of Senator Shivers, S. B. No. 21 was set as a special for tomorrow immediately after conclusion of the morning call on that day.

Senate Concurrent Resolution 12

Senator Sulak offered the following resolution:

Recalling Senate Bill No. 173 from the House of Representatives.

Whereas S. B. No. 173 finally passed the Senate, Thursday, February 9, A. D. 1939; and

Whereas, Said bill fails to accomplish the purpose for which it was intended; and

Whereas, Said bill is now in the House; therefore, be it

Resolved by the Senate, the House of Representatives concurring, That said Senate Bill No. 173 be returned to the Senate for the purpose of a more thorough consideration and revision.

The resolution was read; and on motion of Senator Sulak and by unanimous consent, it was considered at this time and was adopted.

Senate Bills on First Reading

By unanimous consent, the following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Stone of Galveston:

S. B. No. 217, A bill to be entitled "An Act making it unlawful to hunt, take or pursue any wild deer in the County of Galveston for a period of five years following the passage of this Act; providing a suitable penalty, repealing all laws or parts of laws in conflict with this Act and declaring an emergency."

Referred to Committee on Game and Fish.

By Senators Roberts and Small:

S. B. No. 218, A bill to be entitled "An Act declaring the purpose of the

Legislature in matters affecting the collection of State taxes, fees and other moneys, establishing a centralized tax administration in the office of the State Comptroller of Public Accounts; requiring all State officers, departments, boards, bureaus, commissions, institutions, and their agents who are authorized to collect State taxes, fees and other moneys, to use the forms in collecting and reporting collections of taxes, fees, etc., prepared and prescribed by the State Comptroller; empowering the State Comptroller to prepare and prescribe all forms to be used in the collection, reporting and accounting for State taxes, fees, and other moneys collected; giving to the State Comptroller supervision of the collection of all State taxes, fees and other moneys; requiring all State officers, agents, etc., collecting State taxes, fees, etc., to report to the Comptroller; requiring certain facts and information to be included in the reports to the State Comptroller; requiring payments of State taxes, fees, and other moneys made by check, draft, etc., to be made payable to the State Treasurer; providing for the issuance of receipts in certain cases; creating a State Revenue Tax Stamp Board; defining the powers of the State Revenue Tax Stamp Board; defining the powers of the State Comptroller in designing, printing, and engraving Texas State revenue tax stamps; providing for the sale of State revenue tax stamps; establishing in the office of State Treasury a simplified system of accounts by abolishing certain special funds and providing for a system of classified funds; requiring accounts in lieu of special funds; establishing a general tax fund and requiring all moneys in existing special funds to be placed in the General Fund; providing penalties for violation of this Act; fixing the date on which this Act shall become effective; making an appropriation of Ten Thousand (\$10,000.00) Dollars; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Roberts:

S. B. No. 219, A bill to be entitled "An Act to amend Article 2791 of the Revised Civil Statutes of 1925, [relating to collection of taxes in independ-

ent school districts] and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Kelley:

S. B. No. 220, A bill to be entitled "An Act fixing the compensation of county auditors in every county having a population of not less than fifty-one thousand, seven hundred seventy-nine (51,779) nor more than fifty-two thousand (52,000) inhabitants according to the last preceding United States Census; amending Article 1645, Title 34 of the Revised Civil Statutes of 1925, as amended by Acts 1937, Forty-fifth Legislature, First Called Session, page 1827, Chapter 45, Section 3; repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Kelley:

S. B. No. 221, A bill to be entitled "An Act amending Article 1302, Chapter 1, Title 32 of the Revised Civil Statutes of Texas, 1925, by adding thereto a new subdivision to be known as subdivision 104, providing for the creation of private corporations for the purpose of processing, scouring, buying and selling, wool, hair, and mohair, for profit, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Kelley:

S. B. No. 222, A bill to be entitled "An Act amending Article 4642, Revised Civil Statutes of Texas, 1925, Title 76, by adding a new section, Section 5, providing for an injunction against the maintenance of livestock in certain cases, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Hill:

S. B. No. 223, A bill to be entitled "An Act to amend Article 438 of the Penal Code of the State of Texas, 1925, so as to provide that the nepotism law shall not apply in cases where the person employed or working has been so engaged and actually serving at least two years prior to the election of any officer related to

the person thus affected; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Weinert:

S. B. No. 224, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five years beginning with the taxable year 1939 all the State ad valorem taxes, not heretofore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies, for the use of each respective county for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects, reforestation and road building and further providing that said taxes shall be levied, assessed and collected in the manner now provided by law and the Assessor and Collector in each county shall forward his report to the Comptroller covering said collections and shall pay over to the County Treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as may be allowed by the law for collecting and assessing said taxes; requiring said Assessor and Collector to forward a duplicate copy of the receipt given him by County Treasurer for said moneys to the State Comptroller and defining the purposes and intention of this Act, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Graves:

S. B. No. 225, A bill to be entitled "An Act amending Article 600-A of Vernon's Revised Civil Statutes, such article being the Acts of 1935, Forty-fourth Legislature, Page 255, Chapter 100, by adding another section to Article 600-A to be known as Section 33-A; providing that every sale or contract of sale of any security in violation of any provision of Chapter 100 of the General Laws of Texas 1935 shall be voidable at the election of the purchaser; providing how the purchaser may recover at law; providing the time that such cause of action may be brought; providing an exception thereto when the purchase

price is a royalty or a mineral interest in land and such security is unregistered or sold through an unregistered agent; providing the time when any existing cause of action not now barred may be brought; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

House Bill 349 on Second Reading

On motion of Senator Collie, and by unanimous consent, Senate rule 48 was suspended, to permit consideration of H. B. No. 349 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 349, A bill to be entitled "An Act creating and establishing Callahan County Road District No. 2 in Callahan County, Texas, under Article III, Section 52, of the Constitution for the purpose of the construction, operation and maintenance of macadamized, graveled or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the District a body corporate with authority to sue and be sued; authorizing the District to issue bonds upon two-thirds vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the District; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the District hereby created is also included in another Road District having outstanding bonds shall not affect the District hereby created or its powers hereby granted; determining that all of the lands in said District will be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other General or Special Laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 349 on Third Reading

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 349 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Spears

The President laid H. B. No. 349 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Spears

House Bill 30 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 30, A bill to be entitled "An Act amending Chapter 10, Special Laws, Forty-fourth Legislature, enacted in the year A. D. 1935, and declaring an emergency."

The bill was read second time.

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 30 by striking out of said bill the words "Kendall", "Blanco", "Hardeman", and "Llano" wherever said words appear in said bill.

METCALFE,
BROWNLEE.

The amendment was adopted.

On motion of Senator Metcalfe, the caption was amended to conform to the changes in the bill.

The bill then was passed to third reading.

House Bill 30 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 30 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Spears

The President laid H. B. No. 30 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote.

Yeas—29

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	

Nays—1

Winfield

Absent—Excused

Spears

House Bill 147 on Second Reading

On motion of Senator Lanning and by unanimous consent, the Senate rule 48 was suspended to permit consideration of H. B. No. 147 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 147, A bill to be entitled "An Act to declare it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, or wild turkey in Palo Pinto County for a period of four (4) years from and after the passage of this Act; providing for the protection of crops and gardens being destroyed by deer; providing a penalty therefor, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 147 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 147 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Spears

The President laid H. B. No. 147 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Spears

House Bill 252 on Second Reading

On motion of Senator Redditt and by unanimous consent, Senate rule 48 was suspended to permit consideration of H. B. No. 252 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 252, A bill to be entitled "An Act to authorize all County Line Independent School Districts partly

situated in three (3) or more counties, the supervision of said school being located in counties having a population of not less than 17,000 nor more than 17,500 as shown by the last preceding Federal Census; to pay present outstanding legal indebtedness of said County Line Independent School Districts, by refunding warrants to bear interest of not more than six per cent (6%) per annum, and to be payable out of a portion of the local maintenance taxes, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 252 on Third Reading

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 252 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent—Excused

Spears

The President laid H. B. No. 252 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Hardin
Beck	Head
Brownlee	Hill
Burns	Isbell
Collie	Kelley
Cotten	Lanning
Graves	Lemens

Martin	Small
Metcalf	Stone
Moffett	of Galveston
Moore	Stone
Nelson	of Washington
Pace	Sulak
Redditt	Van Zandt
Roberts	Weinert
Shivers	Winfield

Absent—Excused

Spears

House Bill 311 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 311, A bill to be entitled "An Act making certain emergency appropriations for the General Land Office, and declaring an emergency."

The bill was read second time.

Senator Roberts offered the following (committee) amendments to the bill:

(1)

Amend H. B. No. 311, Section 2 to read as follows:

"Sec. 2. There is hereby appropriated for the Executive Department out of any funds in the State Treasury not otherwise appropriated the following amounts for the purposes stated: postage, express, office supplies, stationery, printing and miscellaneous contingent expenses \$2500.00."

(2)

Amend H. B. No. 311 by changing "Section 2" to read "Section 3."

(3)

Amend the caption to H. B. No. 311 by adding after the words "General Land Office" the words "and Executive Department."

The amendments were adopted severally.

The bill was passed to third reading.

House Bill 311 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 311 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Nays—1

Hardin

Absent—Excused

Spears

The President laid H. B. No. 311 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Graves	Shivers
Head	Small
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Nays—2

Cotten

Hardin

Absent—Excused

Spears

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, February 22, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills and
resolutions:

H. C. R. No. 43, Authorizing certain
corrections in H. B. No. 351.

H. B. No. 148, A bill to be entitled
"An Act, regulating the practice of
medicine, amending Articles 4500,
4503, 4504, 4505, 4506, and 4507 of
Title 71, Chapter 6, Revised Civil
Statutes of Texas, and adding Article
4500a thereto; and amending Articles
740 and 742 of Title 12, Chapter 6,
of the Penal Code of Texas, and add-
ing Article 742a thereto, as follows:
Providing for the granting, refusal, re-
vocation, cancellation and suspension
of licenses to practice medicine in this
State; providing for the granting and
refusing by the State Board of Medi-
cal Examiners of applications to take
its examinations, and for judicial
proceedings upon any such refusal;
providing for the qualifications and
attainments to be possessed by appli-
cants for such examinations and li-
censes, the form and contents of such
applications and the examination of
such applicants; providing definitions
of certain terms used in this Act, in-
cluding the terms "reputable physi-
cians" and "reputable medical col-
leges"; providing that the State Board
of Medical Examiners shall not under
Article 4500, as amended hereby,
grant a license to practice medicine
to any applicant whose authority to
practice medicine in any other nation
or country was granted by a nation
or country in which a similar law in
reference to granting a license to
practice medicine under reciprocal ar-
rangement does not exist in favor of
physicians of Texas; providing that
said Board be authorized to adopt and
enforce rules of procedure not incon-
sistent with statutory requirements;
providing, that those ministering or
offering to minister to the sick or
suffering through the application or
use of the principles, tenets or teach-
ings of any church, by prayer, with-
out the use of any drug or material
remedy, shall refrain from maintain-
ing offices, except for the purpose of
exercising the principles, tenets, or
teachings of the church of which they

are bona fide members; providing
that the provisions of this Chapter
shall not apply to duly licensed chiro-
podists, who confine their practice
strictly to chiropody, as defined by
statute; providing that these laws
shall apply to all persons, other than
licensed physicians, who sell or offer
to sell, on the streets, in other public
places, or by going from house to
house, within or outside of incorporat-
ed cities, towns or villages, remedies
which they recommend as tonics, re-
juvenators, female remedies, or reme-
dies, or remedies for any disease
whatsoever; providing for judicial
proceedings hereunder; amending Ar-
ticle 742 of the Penal Code of this
State so as to provide that any person
practicing medicine in Texas in vio-
lation of the preceding Articles of
Title 12, Chapter 6, of such Penal
Code, shall be guilty of a misdemea-
nor, providing that each day of such
violation shall be a separate offense
and fixing the punishment therefor
upon conviction; providing that any
person not authorized by license to
practice medicine who publicly pro-
fesses to be a physician or a surgeon
and offers to treat any disease or
disorder, mental or physical, or any
physical deformity or injury, by any
system or method, or to effect cures
thereof, and who uses or assumes any
title to append his name words or
letters which represent, or may tend
to represent, him as a physician, shall
be guilty of a misdemeanor, making
each day of such violation a separate
offense, and fixing the punishment
therefor upon conviction; providing
for the partial invalidity hereof; re-
pealing all laws in conflict herewith
and declaring an emergency."

S. B. No. 175, A bill to be entitled
"An Act authorizing independent
school districts, and cities which have
assumed the control of public schools
situated therein to build or purchase
buildings and grounds located within
or without the district or city, for the
purpose of constructing gymnasias,
stadia, or other recreational facili-
ties, and to mortgage and encumber
the same, and the income thereof,
and to evidence the obligation there-
for by the issuance of bonds to secure
the payment of funds to purchase or
construct or to purchase and construct
the same; providing that the purchas-
er shall have a franchise to operate
same in case of foreclosure; providing
that no such obligation shall ever be

a debt of any such school district or city, but solely a charge upon the property so encumbered; providing that no election for the issuance of such bonds shall be necessary, providing that the governing body of any such school district or city may in its discretion and as additional security for such bonds, encumber and pledge other income and revenues accruing to the athletic fund; providing that such project shall be deemed self-liquidating in character; providing that the cost of maintaining and operating the project shall be a first charge against the revenues of the project; providing that such bonds shall be payable from the net revenues of the project, together with all future extensions or additions thereto, or replacements thereof; providing for the payment of said bonds; providing that the holder of said bonds shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation; providing that said bonds shall be approved by the Attorney General and registered by the State Comptroller; providing that no bonds authorized to be issued or executed after the expiration of one year from the effective date of this Act; providing that no land upon which is situated school improvements shall be subject to the indebtedness created hereunder; validating acts heretofore performed by school districts; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

(With amendments.)

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Senate Bill 154 on Second Reading

Senator Kelley moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 154 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Collie
Beck	Cotten
Brownlee	Graves
Burns	Hardin

Head
Hill
Isbell
Kelley
Lanning
Martin
Metcalf
Moffett
Moore
Nelson
Pace
Redditt

Roberts
Shivers
Small
Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

Absent—Excused

Lemens

Spears

On motion of Senator Kelley and by unanimous consent, Senate rules 31a and 48 were suspended, to permit consideration of S. B. No. 154 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 154, A bill to be entitled "An Act to amend the Acts of 1925, Thirty-ninth Legislature, page 86, Chapter 25, Section 77, as added to by Acts of 1929, Forty-first Legislature, page 578, Chapter 280, Section 9, Article 7880-77a, by re-enacting Section (b) under said Section 77a of Article 7880 of the Revised Civil Statutes of 1925, so that limitation shall not run or be pleaded against any taxes or assessments provided for in Sections 106, 107, 108 and 109 of Chapter 25, the specific purpose of this Act being to re-enact said Section (b) which has been held invalid by the United States District Court, in Re: American Rio Grande Land and Irrigation Company, D. C. 21 Federal Reporter Supp. 492, because the provision therefor was not set forth in the caption of the Bill wherein said Section (b) was enacted, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 154 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 154 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Sulak
Kelley	Van Zandt
Lanning	Weinert
Martin	Winfield
Metcalfe	

Absent

Stone
of Washington

Absent—Excused

Lemens Spears

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote.

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Sulak
Kelley	Van Zandt
Lanning	Weinert
Martin	Winfield
Metcalfe	

Absent

Stone
of Washington

Absent—Excused

Lemens Spears

Senate Bill 33 on Passage to Engrossment

Senator Redditt moved to call from the table, on its passage to engrossment (the bill having been read second time and tabled subject to call on February 9, 1939):

S. B. No. 33, A bill to be entitled "An Act to require all purchasers of

trees and timber, or either of them, in the form of logs, staves, shingles, pulp wood, or any of them to obtain a bill of sale therefor from the seller, providing what shall be contained in such bill of sale; providing penalties for violation of this Act, and declaring an emergency."

Senator Redditt offered the following (committee) amendment to the bill:

Amend Senate Bill 33 by striking out the word "shingle" wherever it appears in the bill.

The amendment was adopted.

Senator Redditt offered the following amendment to the bill:

Amend S. B. No. 33 by adding at the end of Section 1 the following:

The provisions of this Act shall not apply to the sale of finished lumber, nor shall the same apply to wood for domestic use.

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 33 on Third Reading

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 33 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Martin	Weinert
Metcalfe	Winfield
Moffett	

Nays—2

Aikin Van Zandt

Absent—Excused

Lemens Spears

The President then laid S. B. No. 33 before the Senate on its third reading and final passage.

The bill was read third time.

Question—Shall the bill be passed?

Yeas and nays were demanded, and the bill was passed by the following vote:

Yeas—15

Beck	Martin
Collie	Nelson
Cotten	Pace
Graves	Redditt
Hill	Roberts
Isbell	Shivers
Kelley	Stone
Lanning	of Galveston

Nays—12

Aikin	Stone
Brownlee	of Washington
Burns	Sulak
Hardin	Van Zandt
Metcalf	Weinert
Moffett	Winfield
Moore	

Absent

Head	Small
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Absent—Excused

Lemens	Spears
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Senate Bill 193 on Second Reading

Senator Kelley moved that the rule relative to the consideration of general bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 193 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Lemens

Spears

On motion of Senator Kelley and by unanimous consent, Senate rules 31a and 48 were suspended, to permit consideration of the bill at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 193, A bill to be entitled "An Act to authorize the State Highway Commission, acting through its Chairman pursuant to order of the Commission, to convey lands or interests therein, owned by the State of Texas, acquired for use as a right-of-way for State highways in any county, one or more of the boundaries of which is coincident with any part of the International Boundary between the United States and Mexico, or in any county contiguous to any county of such described class, which is used or proposed to be used as a part of the site for flood control works, to the United States of America, or to any county of such described class, without monetary consideration, to enable the United States to carry out the provisions of Acts of Congress, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 193 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 193 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Metcalf
Brownlee	Moore
Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington

Sulak Weinert
Van Zandt Winfield

Absent—Excused

Lemens Spears

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Nelson
Brownlee	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Martin	Sulak
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield

Nays—2

Beck Burns

Present—Not Voting

Hill

Absent—Excused

Lemens Spears

House Bill on First Reading

The following bill received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 148, to the Committee on Public Health.

House Concurrent Resolution 43

The President laid before the Senate the following resolution received from the House today:

H. C. R. 43, Authorizing correction of H. B. No. 351.

The resolution was read; and by unanimous consent, it was considered at this time and was adopted.

Adjournment

On motion of Senator Weinert, the Senate, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

Reports of Committee on Engrossed Bills

Austin, Texas,
February 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 6 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
February 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 34 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

TWENTY-SIXTH DAY

(Thursday, February 23, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Moore.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.